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TABLE OF FEES

TO BE TAKEN BY THE

JUDGE, REGISTRAR, MARSHAL, ADVOCATES,

AND

PROCTORS

OF THE

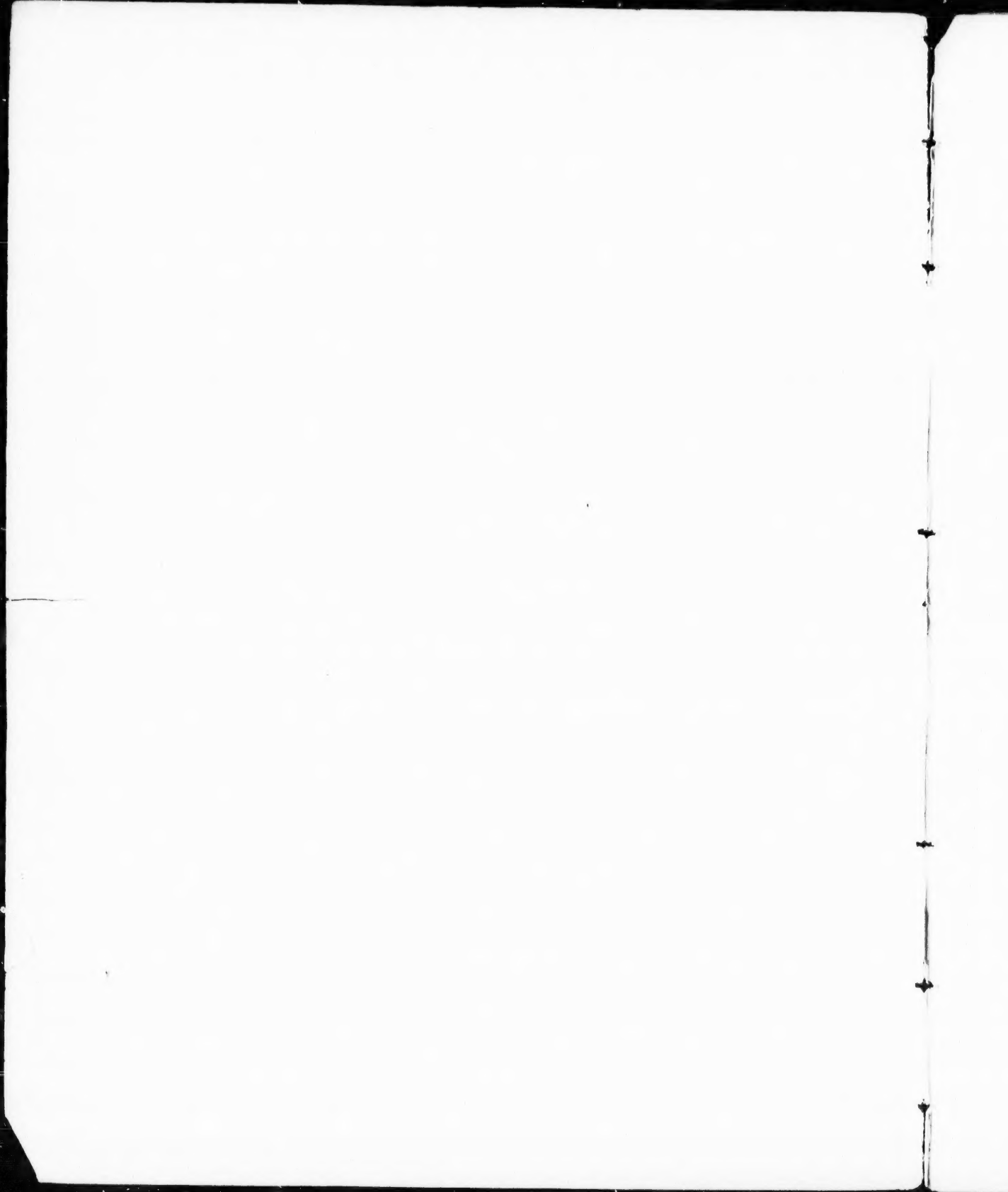
VICE-ADMIRALTY COURT

AT

NEWFOUNDLAND.

LONDON:

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NEWFOUNDLAND.

TABLE OF FEES.

BY THE JUDGE.

Fees in the Progress of a Suit or Cause.

Sterling Money.
£. s. d.

For administering an Oath to a Witness or Party in a Cause. Taking Bail, whether by one or more Persons. Decreeing Monition, Commission, Attachment, or any other Instrument; or for any Judicial Act done before or after the Hearing of a Cause, and not otherwise mentioned herein	-	-	-	-	-	-	-	-	-	0	2	0
The above Fee of 2s. to be taken by the Surrogate, whenever he performs the duty.												
On Subduction of an Action	-	-	-	-	-	-	-	-	-	0	3	6
On pronouncing a Party to be in Default	-	-	-	-	-	-	-	-	-	0	8	6
On signing a Decree pronouncing for the interest of a Party proceeding in <i>pœnam</i>	-	-	-	-	-	-	-	-	-	0	8	6
On a Sentence or Interlocutory Decree	-	-	-	-	-	-	-	-	-	1	6	8

Fees upon the Sealing of Instruments.

Warrant of Arrest, Monition, Commission, Decree, Restitution, or Attachment	0	6	6						
Compulsory or Subpœna, or any Instrument not otherwise mentioned	-	0	4	0					
Exemplification of any Document or Proceeding	-	-	-	-	-	0	10	0	
Process transmitted to the Court of Appeal	-	-	-	-	-	-	0	6	6

BY THE REGISTRAR.

1. *Fees on Instruments prepared by the Registrar.*

For Drawing and Engrossing—

Warrant to arrest Ship, Goods, or Person	-	-	-	-	-	-	0	5	0
Bail Bond	-	-	-	-	-	-	0	5	0
Monition, Commission or Decree, whether of Unlivery, Appraisement or Sale, or otherwise	-	-	-	-	-	-	0	13	4

TABLE OF FEES.

[NEWFOUNDLAND.]

	Sterling Money.
	<i>£. s. d.</i>
Writ or Instrument of Restitution - - - -	0 13 4
Compulsory or Subpœna against Witnesses - - -	0 5 0
Writ of Attachment - - - -	0 13 4
If either of the preceding Instruments exceed in length ten folios, for every folio beyond ten - - - -	0 1 4

NOTE.—The folio mentioned throughout this Table of Fees must contain ninety words, reckoning each figure as a word.

Should the Registrar be required to prepare any other Document, Instrument, or matter whatsoever, not specified in this Table, he will be entitled to the same Charge as a Proctor, viz.—

[illegible]

2. *Fees on Documents not prepared by the Registrar, but by the Proctor, Solicitor, or Advocate in a Cause.*

On a Decree, pronouncing for the interest of a Party proceeding <i>in pœnam</i> , being signed by the Judge - - - - -	0	8	6
On filing Affidavit or Protest of a Master or Mariners, without reference to the number of persons making the same - - - - -	0	3	6
On filing Libel, Information, Claim, Proxy, or similar Document - - - - -	0	5	4
On filing Exhibit annexed thereto, or to any Affidavit - - - - -	0	1	4
On entering (or engrossing) personal Answers of a Party in a Suit, for each folio	0	0	8

3. Fees on taking the Examination of Witnesses.

[illegible]

NOTE.—It should be understood, that the Registrar, or whoever acts as the Examiner for him, should take the Depositions in Chief of the Witnesses, on the Libel, Information, or Plea itself, without written Interrogatories; putting such relevant questions, *vis à voce*, as may suggest themselves; and care should be taken not to lead the Witness. The Libel, Information, or Plea should therefore always be drawn sufficiently precise and full, to enable the Examiner to take the Examinations accordingly.

The Cross-examinations must, of course, be taken on written Interrogatories.

4. *Fees on Office Copies of Papers or Proceedings.*

For Office Copy of Sentence or Interlocutory Decree certified under Seal	-	0	12	0
For Office Copy of any Affidavit, Examination, Answers of a Party, or other Documents or Proceedings in a Cause, or Extract therefrom, if under twelve folios	- - - - -	0	5	0
If exceeding twelve folios, for each folio beyond twelve	- - - -	0	0	8
Office Copies of Papers and Proceedings to form a Process to be transmitted to the Court of Appeal, or for any other purpose, for each folio contained therein	- - - - -	0	0	8

5. *Fees on Translation of Papers.*

Where Papers are translated, the Registrar should charge the Disbursement actually made to the Translator, with an addition of one-fourth, to compensate himself for his trouble, advance, &c.

6. *Incidental Fees in the Progress of a Cause.*

	Sterling Money.		
	£.	s.	d.
On Subduction of an Action - - - - -	0	6	8
For entering every ordinary Act of Court - - - - -	0	1	4
On every Default pronounced against Parties in contempt, in Cases proceeding in pœnam - - - - -	0	5	0
On every Interlocutory Decree or Sentence, including drawing the Act, to be paid by the Party succeeding - - - - -	0	13	4
Sportulage upon every Sentence or Interlocutory Decree, to be paid by each Party in a Suit - - - - -	0	13	4
Sportulage in a Cause terminating without a Sentence or Interlocutory Decree, to be paid by each Party in a Suit - - - - -	0	8	6
For every Attendance before a Judge or Surrogate, at which any Decree is made, other than an Interlocutory or Sentence - - - - -	0	5	0
For a Receipt for original Documents delivered out of the Registry - - - - -	0	2	0
On a Search or Examination of the Records, by any Person not being a Party in the Cause in which the Search is made - - - - -	0	2	6

NOTE.—No Fee to be charged to a Party in the Cause, or to any Seaman applying for Search.

For advertising an intermediate or extra Court Day, in addition to the sum paid for Advertisement - - - - -	0	6	8
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7. *On Paying out Money.*

For preparing Receipt for Money to be paid out of the Registry - - - - -	0	1	4
Poundage on Money paid out of the Registry, for every Pound sterling - - - - -	0	0	2

8. *Taxing Costs.*

For taxing a Bill of Costs, if under six folios, from each Party who attends the Taxation - - - - -	0	4	6
If the Bill of Costs exceed six folios, for every additional folio (besides the Fees above-mentioned), to be paid in equal proportions by each Party who attends; and if but one Party attend, to be paid by him solely - - - - -	0	0	6

9. *References of Accounts, &c., by the Judge to the Registrar and Merchants.*

To the Registrar - - - - -	5	5	0
To the Assistant Merchant - - - - -	5	5	0

If two Merchants, Five Guineas each.

BY THE MARSHAL.

	Sterling Money.		
	£.	s.	d.
For arresting a Vessel, Goods, or Person - - - - -	1	1	0
For keeping possession of a Vessel and Cargo, jointly, or either of them singly, when the same are not under the responsible charge and custody of the Officers of the Customs, for each Day in which they remain in the Marshal's charge - - - - -	0	4	0
For inquiring into, and certifying the sufficiency of Persons proposed as Sureties in any Suit, for each Surety - - - - -	0	5	0
For release of a Vessel, Goods, or Person from Arrest - - - - -	0	5	0
For executing every Monition or Decree for Answers of a Party, or Com- pulsory or other Instrument not specified - - - - -	0	6	8
For every Default or Decree pronouncing for the interest of a Party pro- ceeding <i>in pœnam</i> - - - - -	0	5	0
For every Attendance in Court, when a Sentence or Interlocutory Decree is pronounced - - - - -	0	10	0
For executing every Decree or Commission of Appraisement, exclusive of the Appraiser's Fees, but including the making of the Inventory, if the value should not exceed £500 sterling - - - - -	1	6	8
For the like duty, when the value exceeds £500 sterling - - - - -	2	0	0
For executing every Decree or Commission of Sale of Ship, or Goods, by Public Auction, when the gross proceeds are under £200 sterling - - - - -	1	6	8
And on every additional £100 sterling - - - - -	0	13	4
On attending the Execution of a Decree or Commission of Unlivery of Cargo (when not done for the purpose of Sale), per Day - - - - -	2	2	0
For taking a Person in Execution after Sentence, if the sum due from such Person does not exceed £20 sterling - - - - -	1	0	0
For the like duty, when the sum is above £20 and under £50 sterling - - - - -	2	0	0
For the like duty, when the sum is above £50 and under £100 sterling, for every Pound sterling due - - - - -	0	1	0
And on every additional Pound sterling after the first £100 - - - - -	0	0	6

NOTE.—Should it be necessary for the Marshal to go any distance to execute any of the above duties, there should be paid to him for Loss of Time and Travelling Expenses, in addition to the preceding Fees, the following :—

If the distance exceed Two, and be under Four Miles - - - - -	1	1	0
If above Four, and under Eight Miles - - - - -	2	2	0

If the distance be still greater, the allowance to be reasonably increased.

BY THE ADVOCATES.

It is not easy to lay down any precise Rules respecting Fees to Counsel, inasmuch as the amount must depend upon the circumstances of each particular case, with reference to its length, importance, and difficulty.

In all undefended Cases, and in matters of no great difficulty, one Counsel ought to be considered sufficient.

Subject to these observations, the following suggestions are made for the guidance of the Proctor in seeing Counsel, upon matters which most frequently occur in the progress of a Suit:—

	Sterling Money.		
	£.	s.	d.
Retaining Fee to an Advocate - - - - -	2	2	0
For perusing, settling, and signing Information or Libel, Claim and Affidavit, Act on Petition, responsive Plea (or Replication) to Libel or Information, or Act on Petition, according to the length or difficulty - - -	1	1	0
	4	4	0
For perusing, settling, and signing Interrogatories, Answers, &c. when the same do not exceed twelve folios in length - - - - -	1	1	0
For every additional fifteen folios, to the extent of sixty - - - - -	1	1	0
NOTE.—It should be understood, that in preparing Interrogatories for the cross-examination of Witnesses, they are not to be drawn separately for each Witness to whom the same are to be administered; but that, when practicable (as in most instances will be the case), one set of Interrogatories should be prepared, generally applicable to all the Witnesses.			
For a Consultation in any intermediate stage of the Proceedings, should a necessity arise to resort to Counsel for advice; but this ought not too frequently to occur, and only in cases of difficulty - - - - -	1	1	0
	3	3	0
For any Motion necessarily made by Counsel, before the Judge in the progress of a Cause - - - - -	1	1	0
	2	2	0
The Fee for the Final Hearing must depend upon the length of the Evidence, and the importance and difficulties of the Cause; but, in cases of no great intricacy, the Fee should be from Three to Five Guineas, and not to exceed the latter sum, unless where the Proceedings are voluminous, or unusually important or difficult - - - - -	3	3	0
	5	5	0

BY THE PROCTORS.

Retaining Fee - - - - -	0	6	8
For attending before the Judge, or Judge Surrogate, either in Court or Chambers - - - - -	0	6	8
On extracting any Warrant, Monition, Commission, Writ, or other Instrument	0	7	6
Drawing Libel, Information, Plea, Claim, Affidavit, Act on Petition, Interrogatories, Answers, or any other Proceeding whatever, not herein specified, for every folio - - - - -	0	1	4
Fair Copying or Engrossing, for every folio - - - - -	0	0	8

	Sterling Money. £. s. d.		
For Consultation with Party, for the purpose of taking Instructions for the Libel, Information, Plea, Act on Petition, or for any other important purpose, during the dependence of a Suit - - - - -	0	6	8
For Consultation with Counsel, if any such should be found requisite, preparatory to the final Hearing of a Cause, or otherwise - - - - -	0	13	4
For Attendance on Counsel to fee him to peruse, settle, and sign any Information, Libel, Replication, or other Plea, Claim, Affidavit, Act on Petition, Answers, Interrogatories, or other matter, or upon any other occasion that may arise on delivering Papers and seeing Counsel - - - - -	0	6	8
NOTE.—Care should be taken not to increase the number of Attendances or Consultations with Counsel, which ought only to be resorted to when absolutely necessary.			
For any necessary Attendance on the Registrar, or on the adverse Proctor during the Progress of a Cause, to adjust any incidental point in the Suit, or on the Marshal, to instruct him as to the service of any Instrument, reporting Bail, &c. - - - - -	0	5	0
On all Office Copies of Depositions, &c., obtained from the Registrar, one-third of the actual sum paid at the Registry is to be added for trouble of collating and extracting the same.			
For perusing and considering any Papers, Exhibits, or Documents furnished, or introduced into a Cause, by the adverse Party, or furnished by a Party to his own Proctor, for the purpose of being brought forward as Evidence in the Suit, if not exceeding twelve folios - - - - -	0	3	4
For every additional twelve folios - - - - -	0	2	0
For attending Informations on the final Hearing of a Cause, when it occupies only a short time, 10s. ; if a few hours, 16s. 8d. ; if a whole day, £.1 6s. 8d. - - - - -	0	10	0
	0	16	8
	1	6	8

NOTE.—Proceedings for the Forfeiture of Slaves, Ships, or Goods, and for the Recovery of Penalties consequent thereon, have, in some instances, been carried on by two separate Suits; one for the condemnation of the Property, and the other for the Penalties. This mode of proceeding should be discontinued, one Suit being only necessary to accomplish both objects.

Undefended Prosecutions for Breach of the Acts for the Abolition of the Slave Trade.

In all such Prosecutions carried on under one Monition, where no Party appears to defend—

To the Judge - - - - -	1	10	0
To the Registrar, including a Copy of the Interlocutory Decree, or Sentence - - - - -	3	0	0
To the Proctor - - - - -	4	0	0
To the Advocate - - - - -	1	1	0
To the Marshal - - - - -	0	15	0
	£10	6	0

Approved.

(Signed)

HERBERT JENNER.

JOHN DODSON.

STEPHEN LUSHINGTON.

JAMES FARQUHAR.

H. B. SWABEY.

WM. ROTHERY.